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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,566	11/11/2003	William Robert Haas	10018210-1	6908

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EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/706,566	HAAS ET AL.	
	Examiner	Art Unit	
	Girumsew Wendmagegn	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/11/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim29, 32-46 and 50-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al (Pub. No US 2002/0136532).

Regarding claim29, 40, Ando et al (hereinafter Ando) anticipates a media recording device, comprising: a receiver operable to receive a broadcast signal comprising a media transmission (see figure1 element 107 and 108); a storage device operable to continuously store the received media transmission (see figure1 element10); a user input device operable to receive an input from a user indicative of a date and time occurring in the past for playback of the stored media transmission (see figure1 element 120); and a playback device operable to play back stored transmission beginning at the user-provided date and time (see column13 line 8-14 and figure10 step st20).

Regarding claim32, Ando anticipates the device, as set forth in claim 29, further comprising a processor operable to search the storage device for a received media transmission associated with a date and time matching the user-provided date and time,

Art Unit: 2621

and provide the media transmission matching the user-provided date and time to the playback device (see column13 line 8-14 and figure10 step st20).

Regarding claim33, 44, Ando anticipates the device, as set forth in claim 29, wherein the playback device comprises an audio output (see figure1 element 115).

Regarding claim34, 45, Ando anticipates the device, as set forth in claim 29, wherein the playback device comprises a video output (see figure1 element 113).

Regarding claim35, 46, Ando anticipates the device, as set forth in claim 29, wherein the storage device is operable to store a predetermined amount of continuous media transmission for playback (see figure1 element 10).

Regarding claim36, 50, Ando anticipates the device, as set forth in claim 29, further comprising a second receiver operable to receive media transmission broadcast over a second channel for storage in the storage device (see figure1 element 107).

Regarding claim37, 51, Ando anticipates the device, as set forth in claim 29, further comprising an analog-to- digital converter operable to convert the media transmission from an analog format received by the receiver to a digital format for storage by the storage device (see figure1 element 201).

Art Unit: 2621

Regarding claim 38, 52, Ando anticipates the device, as set forth in claim 29, wherein the receiver is operable to receive broadcast radio signals (see column 15 line 64-65).

Regarding claim 39, 53, Ando anticipates the device, as set forth in claim 29, wherein the receiver is operable to receive broadcast television signals (see figure 1 element 108).

Regarding claim 41, Ando anticipates the method, as set forth in claim 40, further comprising receiving a user input indicative of at least one desired broadcast channel and continuously receiving broadcast signal of the at least one desired broadcast channel (see column 8 line 18-22).

Regarding claim 42, the method, as set forth in claim 40, further comprising displaying the user-provided time and date occurring in the past (see figure 12 on screen display).

Regarding claim 43, Ando anticipates the method, as set forth in claim 40, further comprising searching the storage device for a received media transmission associated with a date and time matching the user-provided date and time, and providing the media transmission matching the user-provided date and time for playback (see column 13 line 8-14 and figure 10 step st20).

Regarding claim 54, Ando anticipates the method, as set forth in claim 40, wherein continuously storing the received media transmission comprises storing a date and time associated with the received media transmission (see figure 9 step ST7).

Regarding claim 55, Ando anticipates the method, as set forth in claim 40, wherein continuously storing the received media transmission comprises storing a broadcast channel identification associated with the received media transmission (see column 8 line 18-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 30-31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al (Pub. No US 2002/0136532).

Regarding claim 30 and 31, see the teaching of Ando above. Ando does not teach input device comprises a dial rotatable in a counter-clockwise direction for indicating a payback time and date occurring in the past and display a time and date. However it is old and well known in the art to use dial rotatable for selecting time and date and displaying it.

Art Unit: 2621

One of ordinary skill in the art at the time the invention was made would have been motivated to use dial rotatable to select time and date because it is easier to use.

Claim47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al (Pub. No US 2002/0136532) as applied to claim29, 32-46, and 50-55 above, and further in view of Logan et al (Patent Number US 5,371,551).

Regarding claim47, 48 and 49, see the teaching of Ando above. Ando does not teach storing media transmission for predetermined period and writing over after predetermined period of time. However Logan et al teaches storing media transmission for predetermined period and writing over after predetermined period of time(see column3 line 16-20)

One of ordinary skill in the art at the time the invention was made would have been motivated to store media transmission for predetermined period and writing over after predetermined period of time as in Logan et al in to Ando system because fixed duration or "time window" of prior recorded signals are recorded in the memory sub at all times (see Logan et al column3 line18-20).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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